

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

DWAYNE HILL,)	
)	
Plaintiff,)	
)	Case No. 19-CV-06080
v.)	Judge Franklin U. Valderrama
)	
CITY OF CHICAGO, <i>et al.</i>)	
)	
Defendants,)	
)	
RICKEY FOUNTAIN,)	
)	
Plaintiff,)	
)	Case No. 19-CV-06081
v.)	Judge Franklin U. Valderrama
)	
CITY OF CHICAGO, <i>et al.</i>)	
)	
Defendants.)	

DEFENDANT CITY OF CHICAGO’S MOTION FOR LEAVE TO FILE UNDER SEAL

Defendant City of Chicago (the “City”) respectfully moves this Court for Leave to File under Seal an unredacted copy of its Reply in Support of Its Amended Motion to Disclose Relevant Grand Jury Materials (“Reply”) pursuant to Local Rule 26.2. In support of its Motion, the City states as follows:

1. Plaintiffs Dwayne Hill (now deceased) and Rickey Fountain filed complaints alleging multiple federal and state law violations and a variety of damages against the City and Chicago police officers (“Defendant Officers”) on the basis that the Defendant Officers allegedly fabricated evidence and coerced testimony from two eyewitnesses, Demetrius Harris and Steven McKinnie which led to Plaintiffs’ convictions for the 2009 shooting of Harris (“2009 Harris Shooting”). *People of the State of Illinois v. Dwayne Hill*, 09 CR 17351 and *People of the State of Illinois v. Rickey Fountain*, 10 CR 05797 (consolidated under case no. 10-CR-05797).

2. During Plaintiffs' post-conviction proceedings and here, Plaintiffs alleged and presented evidence that Four Corner Hustler gang leader Labar Spann interfered with Plaintiffs' criminal proceedings by threatening and extorting Plaintiffs and intimidating key witnesses, including the victim, Harris.

3. Defendants have learned through preliminary discovery that Plaintiffs and several witnesses from Plaintiffs' underlying criminal and post-conviction proceedings cooperated with the government's prosecution and testified during grand jury proceedings in the criminal case *United States v. Spann*, case no. 17-CR-00611, the criminal proceedings against Spann that involves, *inter alia*, his extortion and intimidation during Plaintiffs' criminal proceedings.

4. The City served the United States Attorney's Office ("USAO") on July 2, 2020 with a narrowly defined subpoena seeking documents and information, including grand jury testimony and materials, related to Spann's interference in *People v. Hill and Fountain*.

5. Because the USAO is unable to produce the requested grand jury materials without a court order, the City filed its Amended Motion and supporting Memorandum of Law on December 18, 2020, requesting that this Court authorize the USAO's disclosure and production of the relevant grand jury materials.

6. The USAO filed its Response to the City's Amended Motion on January 15, 2021.

7. The City's Amended Motion and the USAO's Response included references to confidential information regarding the ongoing *United States v. Spann* criminal proceedings and the status of discovery in that case. Thus, the City and the USAO redacted this confidential information from their public filings.

8. The City and the USAO sought the Court's leave to file under seal the unredacted versions of their Amended Motion and Response, which the Court granted.

9. The City is publicly filing a redacted version of its Reply contemporaneously with this Motion to File Under Seal, which redacts the same confidential information regarding the status of the criminal proceedings and discovery in *United States v. Spann* that was redacted in the City's Amended Motion and the USAO's Response.

10. The City now seeks permission to file an unredacted copy of its Reply under seal in accordance with the Local Rule 26.2.

11. The City believes the confidential information in the Reply is necessary to its arguments and will be beneficial and informative to the Court as it considers the City's Amended Motion and Reply.

12. On December 10, 2020, counsel for the City conferred with attorney AUSA Peter Salib at the USAO regarding its Amended Motion. AUSA Salib asked that the City file certain information disclosed by the USAO regarding the status of the *Spann* case under seal, which the City now seeks to do.

For the foregoing reasons, the City respectfully requests the Court grant its Motion for Leave to File under Seal an unredacted copy of its Reply in Support of Its Amended Motion to Disclose Relevant Grand Jury Materials and supporting Memorandum of Law.

Dated: January 29, 2021

Respectfully submitted,

CELIA MEZA
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CERTIFICATE OF SERVICE

I hereby certify that on January 29, 2021, the foregoing document was electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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